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Washington, Thursday, June 24, 1937

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

TRANSFERRING TO THE SECRETARY OF THE TREASURY THE FUNCTIONS DELEGATED TO THE SECRETARY OF LABOR BY EXECUTIVE ORDER NO. 2889 OF JUNE 18, 1918

By virtue of and pursuant to the authority vested in me by the act entitled "An Act To authorize the President to provide housing for war needs", approved May 16, 1918 (40 Stat. 550), as amended and supplemented, it is ordered that all powers, rights, privileges, and duties (including the power to execute deeds, contracts, or other instruments of conveyance) delegated to the Secretary of Labor by Executive Order No. 2889 of June 18, 1918, be, and they are hereby, transferred to the Secretary of the Treasury to be exercised and performed by the said Secretary through the Director of Procurement; and the Secretary of Labor shall take such action as may be necessary to carry out the purposes of this order, including the transfer of all the stock of the United States Housing Corporation, now held by the Secretary of Labor as trustee, to the Secretary of the Treasury as trustee for the United States.

This order shall supersede the said Executive Order No. 2889 of June 18, 1918, and shall become effective July 1, 1937.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 22, 1937.

[No. 7641]

[F. R. Doc. 37-1885; Filed, June 23, 1937; 11:57 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

NCR—B-101, as Amended, Supplement No. 2

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 101, AS AMENDED, SUPPLEMENT NO. 2

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin 101, as Amended,[1] is further amended as follows:

Part I—Definitions

1. The definition of Area "A" is amended by deleting the following counties in Nebraska: Merrick, Nance, Polk, and York.

[1] 2 F. R. 541.

2. The definition of "operator" is amended to read as follows:

Operator means a person who as owner or share-tenant is operating a farm and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

3. The definition of a "diversion farm" is amended to read as follows:

Diversion farm means (1) any farm in a county operated by a person who operates a farm or farms in such county with respect to which farm or farms the sum of the general soil-depleting bases established therefor is 20 acres or more, and (2) any farm in a county owned and operated by a person and any contiguous farm or farms owned by such person in such county which are field rented by such person to any other persons if the sum of the general soil-depleting bases established for all such farms is 20 acres or more, and (3) any farm for which a cotton or final tobacco soil-depleting base is established.

4. The definition of "New Conserving Acreage" is amended to read as follows:

New conserving acreage means the acreage of cropland in the farm upon which there is, on the date as of which final inspection of the farm is made for the purpose of determining performance, a good stand of a crop listed in Section 2 (a) of Part III which was seeded in accordance with good farming practices between November 1, 1936, and October 31, 1937, inclusive, and which acreage is classified as soil-conserving in 1937. New conserving acreage also means the acreage of cropland used in accordance with subsection (b) of Section 2 of Part III. No acreage can be classified as new conserving if any of the crops listed in Section 1 of Part III are harvested as grain or hay from such acreage in 1937.

5. The definition of "Old Conserving Acreage" is amended to read as follows:

Old conserving acreage means the acreage of cropland in the farm which was seeded prior to November 1, 1936, and upon which acreage there was a good stand of a crop listed in Section 2 (a) of Part III on or after July 1, 1937, and which acreage is classified as soil-conserving in 1937. Old conserving acreage also means any acreage of cropland on the farm upon which there was a good stand of a crop listed in Section 2 (a) of Part III on or after July 1, 1937, which was self-seeded in the fall of 1936 and which acreage is classified as soil-conserving in 1937. Old conserving acreage also means the acreage of cropland used in accordance with Section 2 (c) of Part III. No acreage can be classified as old conserving if on such acreage any crop listed in Item 1 of Section 1 (b) of Part III: (1) Is seeded for harvest in 1937 at a rate in excess of one-half the normal rate of seeding alone for grain; (2) is seeded in 1937 at a rate not in excess of one-half the normal rate of seeding alone for grain and is cut for grain or hay; (3) is a volunteer stand, which volunteer stand it would be practical to cut for grain or hay if such crop were growing alone; (4) is seeded in 1936 at a rate not in excess of one-half the normal rate of seeding alone for grain if it would be practical to cut such crop for grain or hay if such crop were growing alone.

6. The definition of "Diversion Payment" is amended to read as follows:

Diversion payment means a payment for the diversion of acreage from any soil-depleting base. A diversion payment is not made with respect to a nondiversion farm.

FEDERAL REGISTER

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7. The definition of "Conserving Payment" is amended to read as follows:

Conserving payment means a payment for the increase of soil-conserving acreage. A conserving payment is not made with respect to a farm which is either a dryland farm or nondiversion farm.

8. The definition of "Maximum Conserving Payment" is amended to read as follows:

Maximum conserving payment for a farm means the largest amount of payment which may be earned for an increase in the acreage classified as soil-conserving on such farm. For any farm which does not have a cotton or tobacco soil-depleting base, such amount shall be computed by multiplying the rate for conserving payments for such farm by the acreage for which diversion payments are computed with respect to such farm. For any farm which has a cotton or tobacco soil-depleting base, such amount shall be computed by multiplying the rate per acre for conserving payments by the acreage obtained by subtracting the total acreage classified as soil-depleting from the total soil-depleting base, or the acreage for which diversion payments are computed with respect to such farm, whichever is the smaller.

9. Part I, Definition, is amended by the addition of the following new definitions:

Combination farm means any farm, other than a cotton farm or sharecropper farm, rented partly on shares and on which farm part or all of the new conserving acreage is rented for cash.

County means the political or civil division of a State designated as a county, except for the purposes of the 1937 Agricultural Conservation Program in the North Central Region the political or civil divisions of Polk, Ottertail, and St. Louis in Minnesota, and Pottawattamie in Iowa shall not be deemed counties. For the purposes of the 1937 Agricultural Conservation Program in the North Central Region, the townships of Badger, Brandzvold, Chester, Columbia, Eden, Garden, Garfield, Godfrey, Grove Park, Gully, Hill River, Johnson, King, Knute, Kessor, Queen, Rosebud, Sletten, Tilden, Winger, and Woodside in the political or civil division in Minnesota known as Polk shall be a county known as East Polk County; the townships of Andover, Angus, Belgium, Brandt, Brislet, Bygland, Crookston, Esther, Euclid, Fairfax, Fanny, Farley, Fisher, Gentilly, Grand Forks, Hammond, Helgeland, Higdem, Hubbard, Huntsville, Kertsonville, Keystone, Liberty, Lowell, Nesbit, Northland, Onstad, Parnell, Reis, Rinehart, Roome, Russia, Sandsville, Scandia, Sullivan, Tabor, Tynsid, and Vineland in the political or civil division in Minnesota known as Polk shall be a county known as West Polk County; the townships of Blowers, Bluffton, Butler, Candor, Compton, Corliss, Dead Lake, Deer Creek, Dora, Eastern, Edna, Folden, Elmo, Girard, Gorman, Henning, Hobert, Homestead, Inman, Leaf Lake, Newton, Oak Valley, Ottertail, Otto, Paddock, Parkers Prairie, Perham, Pine Lake, Rush Lake, Star Lake, and Woodside in the political or civil division in Minnesota known as Ottertail shall be a county known as East Ottertail County; the townships of Aastad, Amor, Aurdal, Buse, Carlisle, Clitherell, Dane Prairie, Dunn, Eagle Lake, Effington, Elizabeth, Erhards Grove, Everts, Fergus Falls, Friberg, Leaf Mountain, Lida, Maine, Maplewood, Nidaros, Norwegian Grove, Orwell, Oscar, Pelican, St. Olaf, Scambler, Sverdrup, Tordenskjold, Trondhjem, Tumuli, and Western in the political or civil division in Minnesota known as Ottertail shall be a county known as West Ottertail County; the townships of Alborn, Alden, Arrowhead, Brevator, Canosia, Cedar Valley, Cotton, Dulver, Duluth, Duluth City, Elmer, Fine Lakes, Floodwood, Fredenburg, Gnesen, Grand Lake, Holden, Herman, Industrial, Kelsey, Lakewood, Meadowlands, Midway, Ness, New Independence, Normania, Northland, Payne, Prairie, Lake, Rice Lake, Solway, Stoney Brook, Troivola, Van Buren, 52—21, 53—16, and 54—15 in the political or civil division in Minnesota known as St. Louis shall be a county known as South St. Louis County; the townships of Alango, Angora, Argo, Balkan, Biwabik, Cherry, Clinton, Clovin, Ellsburg, Embarass, Fayal, Field, Great Scott, Kugler, Lovelle, Liedeing, Linden Grove, McDavitt, Nichols, Owens, Pike, Sandy, Stuntz, Sturgeon, Vermillion, Waasa, Worcom, White, Willow Valley, Wucuri, 50—14, 56—15, 56—18, 55—21, 56—14, 56—16, 56—17, 57—14, 57—16, 59—16, 59—18, 59—21, 60—18, 60—19, 62—17, 62—21, 63—19, 63—21, and 64—21 in the political or civil division in Minnesota known as St. Louis shall be a county known as North St. Louis County; the townships of Belknap, Carson, Center, Grove, James, Knox, Layton, Lincoln, Macedonia, Pleasant, Valley, Waveland, and Wright in the political or civil division in Iowa known as Pottawattamie shall be a county known as East Pottawattamie County; the townships of Boomer, Crescent, Garner, Hardin, Hazel Dell, Kane, Keg Creek, Lake, Lewis, Mindan, Neola, Norwalk, Rockford, Silver Creek, York, and Washingon in the political or civil division in Iowa known as Pottawattamie shall be a county known as West Pottawattamie County.

Sown corn means corn planted in such manner that the corn plants are so close together that under no circumstances will kernels form on the ears. Such corn may be (1) sown broadcast or close-drilled; or (2) planted in rows one-half the normal distance apart with at least the normal number of plants to the hill; or (3) planted in rows the normal distance apart but with at least

seven plants to the hill; or (4) listed in rows the normal distance apart but with at least twice the normal number of plants to the row.

Part II—Establishment of Limits, Bases, Grazing Capacities, Productivity Indexes, and Yields

10. The second paragraph of Section 4 of Part II is amended to read as follows:

If the acreage planted to any specified type of tobacco in 1937 on any farm is less than fifty percent of the preliminary soil-depleting base established for such farm for such type of tobacco, the preliminary soil-depleting base for such farm for such type of tobacco shall be adjusted downward so that the final soil-depleting base established for such farm for such type of tobacco does not exceed an acreage equal to twice the acreage of such type of tobacco planted on such farm in 1937.

11. Section 8 of Part II is amended to read as follows:

SECTION 8. *Pasture grazing capacities.*—There shall be established for each farm containing noncrop plowable pasture land a pasture grazing capacity for such farm expressed in terms of animal units. Such grazing capacity for any farm shall represent the total number of animal units which the noncrop plowable pasture in such farm will carry during the normal pasture season. Such grazing capacity for any farm shall be determined by first establishing the pasture grazing capacity for an average acre of noncrop plowable pasture land in such farm by making such deviation from the pasture grazing capacity established by the Agricultural Adjustment Administration for an average acre of noncrop plowable pasture land in the county as is justified by the composition, palatability, density of vegetative growth, degree of erosion, and topographic features of the noncrop plowable pasture land in such farm. The pasture grazing capacity so determined for an average acre of noncrop plowable pasture land in such farm shall be multiplied by the acreage of noncrop plowable pasture land in such farm not used in 1937 as specified in Sections 1 and 3 (exclusive of items (3) and (5) of Section 3 (a) of Part III) of Part III. The result so obtained shall be the pasture grazing capacity of such farm.

Part III—Classification of Farmland

12. Item (1) of subsection (a) of Section 1 of Part III is amended to read as follows:

(1) Corn (including field, sweet, and popcorn but not including sown corn).

13. Item (2) of subsection (a) of Section 1 of Part III is amended to read as follows:

(2) Grain sorghums.

14. Item (3) of subsection (a) of Section 1 of Part III is amended to read as follows:

(3) Cotton (including idle cropland not in excess of the acreage obtained by subtracting the acreage planted to cotton in 1937 from 65 percent of the cotton soil-depleting base, which idle cropland was not planted to cotton in 1937 because of abnormal weather conditions).

15. Item (7) of subsection (a) of Section 1 of Part III is amended to read as follows:

(7) Field beans.

16. Item (2) of subsection (b) of Section 1 of Part III is amended to read as follows:

(2) Any of the following crops harvested for seed: Sudan grass, millet, and sweet sorghums.

17. Item (3) of subsection (b) of Section 1 of Part III is amended to read as follows:

(3) Field peas for seed: soybeans and cowpeas for grain or seed except in Area "B".

18. The first sentence of subsection (c) of Section 1 of Part III is amended to read as follows:

(c) The acreage by which the sum of the idle cropland (not including any idle cropland considered as cotton under item (3) of subsection (a) of Section 1 of this Part III), and the acreage planted to any of the following crops and used as specified herein, exceeds the acreage obtained by subtracting the old conserving acreage from the soil-conserving base.

19. The first sentence of item (1) of subsection (c) of Section 1 of Part III is amended to read as follows:

(1) Any of the following crops not harvested for grain: Wheat, oats, barley, rye, flax, emmer, speltz, sown corn, and mixtures of any such crops.

20. Item (2) of subsection (c) of Section 1 of Part III is amended to read as follows:

(2) Field peas, soybeans, cowpeas, and buckwheat not harvested as grain or seed. (This item (2) does not include any acreage planted to soybeans, cowpeas, and buckwheat and used as specified in item (1) of Section 2 (b) of Part III.) This item (2), insofar as it relates to soybeans and cowpeas, is not applicable to Area "B".

21. Item (3) of subsection (c) of Section 1 of Part III is amended to read as follows:

(3) Any of the following crops not harvested for seed: Sudan grass, millet, sweet sorghums, and rape.

22. Item (4) of subsection (c) of Section 1 of Part III is deleted.

23. The parenthetical expression immediately preceding subsection (a) of Section 2 of Part III is amended to read as follows:

(This Section 2 does not exclude any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay and a seeding in 1937 of any of the crops listed in this Section 2 or the first cultivation meeting the requirements set forth in item (1) of Section 3 (a) of this Part III is completed on such acreage before July 1, 1937, except such seeding or first cultivation must be completed by May 15 in Nebraska.)

24. Subsection (a) of Section 2 of Part III is amended by the addition of the following new item:

(7) Crimson clover, bur-clover, vetch (except vetch harvested for seed), black medica and yellow treefoil (hop clover).

25. Item (1) of subsection (a) of Section 3 of Part III is amended by striking out the names of Ottertail, Polk, and St. Louis and substituting for Ottertail the names "East Ottertail" and "West Ottertail" and substituting for Polk the names "East Polk" and "West Polk" and substituting for St. Louis the names "North St. Louis" and "South St. Louis."

26. The first sentence of item (1) of subsection (a) of Section 3 of Part III is amended to read as follows:

(1) Land summer fallowed on which the first tillage operation is completed by the date hereinafter specified and which land is properly cultivated until August 1, 1937, in such a manner as will tend to prevent wind erosion, water erosion, and weed growth.

27. Item (4) of subsection (a) of Section 3 of Part III is amended to read as follows:

(4) Noncropland such as waste land, roads, lanes, lots, yards, noncrop pasture land, land reverting to permanent pasture, and noncrop woodland, provided it is not planted to a crop listed in subsections (a) and (b) of Section 1 of this Part III.

27a. The parenthetical expression appearing at the end of item (1) of subsection (a) of Section 3 of Part III is amended to read as follows:

(This item (1) includes any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested for grain or hay in 1937 and such acreage otherwise meets the requirements of this item (1). If any acreage can be classified as neutral under this item (1) and conserving under Section 2 of this Part III, such acreage shall be classified as conserving.)

27b. Subsection (a) of Section 2 of Part III is amended to read as follows:

(a) Cropland upon which there was a good stand on or after July 1, 1937, of any of the following crops seeded before November 1, 1936; and cropland upon which there is, on the date as of which final inspection is made for the purpose of determining performance, a good stand seeded in accordance with good farming practices which, with the exception of the crops listed in item (4) hereof, would normally survive the winter of 1937–38, of any of the following crops seeded between November 1, 1936, and October 31, 1937, inclusive, provided, there is evidence that the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain.

27c. The sentence in parenthesis in item (3) of Section 3 (a) of Part III is amended to read as follows:

(This item (3) includes any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay and a seeding in 1937 of any of the crops listed in this Section 2 or a first cultivation meeting the requirements set forth in item (1) of Section 3 (a) of this Part III is completed on such acreage before July 1, 1937, except such seeding or first cultivation must

be completed by May 15 in Nebraska, and (2) such acreage otherwise meets the requirements of this item (3).)

28. Item (6) of subsection (a) of Section 3 of Part III is amended to read as follows.

(6) Land planted to rye, sweet sorghums, or Sudan grass on sandy loam or coarser soils such as Valentine sand, Dune sand, and Dickinson loamy sand in Antelope, Arthur, Banner, Blaine, Boone, Brown, Box Butte, Boyd, Chase, Cherry, Cheyenne, Custer, Dawes, Deuel, Dundy, Garden, Garfield, Grant, Greeley, Hayes, Holt, Hooker, Keith, Keyapaha, Kimball, Lincoln, Logan, Loup, Madison, McPherson, Merrill, Perkins, Pierce, Rock, Scotts Bluff, Sheridan, Sioux, Thomas, Valley and Wheeler Counties in Nebraska, and on sandy loam or coarser soils such as Barnes, Boarden, Sioux, Valentine, and Fargo in Aurora, Beadle, Bennett, Brown, Campbell, Clark, Corson, Davison, Day, Dewey, Fall River, Gregory, Haakon, Harding, Jackson, Jerauld, Kingsbury, Lyman, Marshall, Meade, Pennington, Perkins, Potter, Sanborn, Shannon, Spink, Todd, Tripp, Washabaugh, Washington, Walworth, and Ziebach Counties of South Dakota, provided (1) such crops are seeded before July 1, 1937, at the normal rate of seeding for grain, (2) a good growth of such crops is obtained and not harvested for grain or hay, or pastured, and (3) the county committee after inspection has approved and designated such cropland.

29. The first sentence of subsection (b) of Section 3 of Part III is amended to read as follows:

(b) The acreage equal to the sum of the idle cropland (not including any idle cropland considered as cotton under item (3) of subsection (a) of Section 1 of this Part III), and the acreage planted to any of the following crops and used as specified herein, not in excess of the acreage obtained by subtracting the old conserving acreage from the soil-conserving base.

30. The first sentence of item (1) of subsection (b) of Section 3 of Part III is amended to read as follows:

(1) Any of the following crops not harvested for grain: Wheat, oats, barley, rye, flax, emmer, speltz, sown corn, and mixtures of any such crops. If oats, barley, and flax, or mixtures of any of these crops are cut for hay, not more than an average of 10 percent of the kernels on the plants in the field can have advanced beyond the milk stage of maturity and at the time of cutting all parts of the plant must be of a uniform green appearance; except that under dry conditions the lower part of the plants may be yellowish green or yellow in color. If wheat, rye, emmer, and speltz, or mixtures of any of these crops are cut for hay, none of the kernels on the plants in the field can have advanced beyond the milk stage of maturity and at the time of cutting all parts of the plants must be of a uniform green appearance; except that under dry conditions the lower part of the plants may be yellowish green or yellow in color.

31. Item (2) of subsection (b) of Section 3 of Part III is amended to read as follows:

(2) Field peas, soybeans, cowpeas, and buckwheat not harvested as grain or seed. If field peas, soybeans, cowpeas, and buckwheat are cut for hay, the seed cannot have advanced beyond the half grown stage of maturity and at the time of cutting the plant must have a uniform green appearance; except that under dry conditions the lower part of the plants may be yellowish green or yellow in color. (This item (2) does not include any acreage planted to soybeans, cowpeas, and buckwheat and used as specified in item (1) of Section 2 (b) of Part III.) This item (2), insofar as it relates to soybeans and cowpeas, is not applicable to Area "B."

32. Item (3) of subsection (b) of Section 3 of Part III is amended to read as follows:

(3) Any of the following crops not harvested for seed: Sudan grass, millet, sweet sorghums, and rape.

33. Item (4) of subsection (b) of Section 3 of Part III is deleted.

Part IV—Rates and Conditions of Payment

34. Section 2 of Part IV is amended to read as follows:

SECTION 2. *Person's Percentage of Payments, Allowances and Deductions.*—The percentage of any payments, allowances, or deductions to which any person is entitled with respect to any farm, shall be determined as set forth in this Section 2. The term "principal soil-depleting crop", as used herein, means the soil-depleting crop, exclusive of sugar beets, to which the greatest number of acres on the farm is devoted in 1937. For the purpose of this Section 2, all small grains, or the proceeds thereof, which are divided in the same percentage shall be considered as one soil-depleting crop. If there is no soil-depleting crop, other than sugar beets, which has a larger acreage than any other soil-depleting crop on the farm, the principal soil-depleting crop shall be the soil-depleting crop on the farm which is of major importance in terms of acreage in the county in which such farm is located.

(a) If the operator of a farm is the owner of such farm, which farm is not operated with the aid of sharecroppers, such person's percentage of any payment, soil-building allowance, or deduction computed with respect to such farm shall be 100 percent.

(b) The percentage for the owner and for the operator of a share-rented farm, which farm is not a combination, cotton, or sharecropper farm, of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm, shall be such person's percentage of the principal soil-depleting crop, or the proceeds thereof, under the lease or operating agreement relating to such farm. If no soil-depleting crop, other than sugar beets, is planted in 1937 on a share-rented farm, which farm is not a combination, cotton, or sharecropper farm, the percentage for the owner and for the operator of such farm of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm shall be 50 percent. If no soil-depleting crop is planted for harvest in 1937 on a share-rented farm on which all the cropland is entirely summer fallowed in 1937, and which farm is not a combination, cotton, or sharecropper farm, the percentage of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm for the operator thereof shall be 66⅔ percent and for the owner thereof shall be 33⅓ percent.

(c) The percentage for the operator of a combination farm of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm, shall be determined as follows:

(1) Multiply the new conserving acreage in such farm rented for cash by the operator by 100%;

(2) Multiply the new conserving acreage in such farm rented on shares by the operator's percentage of the principal soil-depleting crop on such farm;

(3) Add the results obtained under items (1) and (2) of this subsection (c):

(4) Divide the result obtained under item (3) of this subsection (c) by the sum of the new conserving acreage on such farm and multiply this result by 100. The percentage for the owner of a combination farm of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm, shall be computed by subtracting from 100 percent the percentage obtained for the operator of such farm under item (4) of this subsection (c).

(d) The percentage for the owner and for the operator of a share-rented farm, which farm is not operated with the aid of sharecroppers, of any sugar beet payment computed with respect to such farm, shall be such persons's percentage of the sugar beets, or the proceeds thereof, under the lease or operating agreement relating to such farm.

(e) If a person is an owner, operator, or sharecropper with respect to a cotton farm, such person's percentage of any diversion payment computed with respect to such farm pertaining to the soil-depleting base for a crop which was planted on such farm for harvest in 1937, shall be the sum of the percentages determined for such person under items (1), (2), and (3) of this subsection (e):

(1) 37½ percent to the person who furnished the land;

(2) 12½ percent to the person who furnished the workstock and equipment. If more than one person furnished the workstock and equipment for such farm, the percentage to each person who furnished workstock and equipment in connection with the acreage used for the production of the crop with respect to which such diversion payment is computed, shall be obtained by dividing the acreage of such crop for which such person furnished workstock and equipment by the total acreage of such crop on such farm and multiplying this result by 12½ percent;

(3) 50 percent to be divided among the persons who are parties to the lease or operating agreement relating to such farm in the proportion in which such persons are entitled to share under such lease or operating agreement in the crops grown on such farm in 1937, or the proceeds thereof, with respect to which any diversion payment is made.

(f) If a person is an owner, operator, or sharecropper with respect to a cotton farm, such person's percentage of any diversion payment computed with respect to such farm pertaining to the soil-depleting base for a crop which is normally planted on such farm but which was not planted on such farm in 1937, shall be the sum of the percentages determined for such person under items (1) and (2) of this subsection (f):

(1) 37½ percent to the person who furnished the land;

(2) 62½ percent to be divided in accordance with an agreement among the persons who are parties to the lease or operating agreement relating to such farm, which agreement is approved by the county committee. If there is no such agreement approved by the county committee, the 62½ percent of such payment shall be divided equally among the persons who are parties to the lease or operating agreement relating to such farm.

(g) If a person is an owner, operator, or sharecropper with respect to a sharecropper farm, the percentage for such person of any diversion or sugar beet payment computed with respect to such farm shall be the percentage in which such person is entitled to share under the lease or operating agreement relating to such farm in the crops grown on such farm in 1937, or the proceeds thereof, with respect to which any such payments are computed with respect to such farm. If on such farm no crop was planted in 1937 with respect to which any diversion payment is computed with respect to such farm, such person's percentage

of such payment shall be his share specified in an agreement among the persons who are parties to the lease or operating agreement relating to such farm, which agreement is approved by the county committee. If no such agreement is approved by the county committee, such payment shall be divided equally among the persons who are parties to the lease or operating agreement relating to such farm.

(h) If a person is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, such person's percentage of any conserving payment computed with respect to such farm shall be the percentage that the sum of all diversion payments computed for such person with respect to such farm is of the sum of all diversion payments computed for such farm.

(i) If a person is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, the total computed soil-building payment for such person with respect to such farm shall be the sum of the share of such person of the soil-building payment for each soil-building practice carried out on such farm, computed as follows: The soil-building payment for any practice shall be made to the person, determined by the county committee, who has incurred the expense in 1937 with respect to which the soil-building payment is to be made; where two or more persons are determined by the county committee to have incurred the expense in 1937 with respect to such practice, the soil-building payment for such practice shall be divided equally among such persons.

(j) If a person is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, such person's percentage of any deduction computed with respect to such farm shall be the percentage that the sum of all payments computed for such person with respect to such farm is of the sum of all payments computed for such farm. If there is no payment computed for a person who is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, and there is a deduction computed with respect to such farm, such person's percentage of such deduction shall be such person's percentage of the principal soil-depleting crop on such farm.

(k) If a person is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, such person's percentage of the soil-building allowance for such farm shall be the percentage that the total soil-building payments computed for such person with respect to such farm is of the total soil-building payments computed with respect to such farm. If there is no soil-building payment computed with respect to a cotton or sharecropper farm, the percentage of the soil-building allowance for such farm of a person who is both the owner and operator of such farm shall be 100 percent. If there is no soil-building payment computed with respect to a cotton or sharecropper farm, the percentage of the soil-building allowance for such farm of a person who is either a share-tenant of such farm or such share-tenant's landlord shall be 50 percent.

The term "person's percentage" as used in this bulletin with reference to a person who is an owner, operator, or sharecropper with respect to any farm and also as used with reference to any payment, deduction, or allowance for such person with respect to such farm shall mean the percentage of such payment, deduction, or allowance determined for such person for such farm under this Section 2.

Any share of payments shall be computed and paid without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against any crop, or the proceeds thereof, in favor of the owner or any creditor. If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from any previous leasing or cropping arrangement for the farm, for the purpose of, or which would have the effect of, diverting to such person any payment to which any tenants or sharecroppers would be entitled if the previous leasing or cropping arrangements were in effect for 1937, the amount of any payment which would otherwise be made to such person may be withheld in whole or in part.

35. Subsection (h) of Section 6 of Part IV is amended to read as follows:

(h) The total general diversion payments which shall be made to such person with respect to such farms shall be the amount obtained by subtracting the amount obtained under subsection (d) of this Section 6 from the amount obtained under subsection (b) of this Section 6, or the amount obtained under subsection (f) of this Section 6, whichever is the smaller.

36. Subsection (h) of Section 7 of Part IV is amended to read as follows:

(h) The total diversion payments for such type of tobacco which shall be made to such person with respect to such farms shall be the amount obtained by subtracting the amount obtained under subsection (d) of this Section 7 from the amount obtained under subsection (b) of this Section 7, or the amount obtained under subsection (f) of this Section 7, whichever is the smaller.

37. Subsection (h) of Section 8 of Part IV is amended to read as follows:

(h) The total cotton diversion payments which shall be made to such person with respect to such farms shall be the amount obtained by subtracting the amount obtained under subsection (d) of this Section 8 from the amount obtained under subsection (b) of this Section 8, or the amount obtained under subsection (f) of this Section 8, whichever is the smaller.

38. Subsection (b) of Section 10 of Part IV is amended to read as follows:

(b) If such farm is a diversion farm and if the 1937 corn acreage on such farm exceeds the larger of (1), the corn limit for such farm, or (2), 15 acres, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for general diversion payments for such farm and multiplying this result by such person's percentage.

39. Section 10 of Part IV is amended by the addition of the following subsections (g) and (h):

(g) If such farm is a nondiversion farm and if tobacco is planted on such farm in 1937, the amount of deduction for such person for each type of tobacco planted on such farm in 1937 shall be computed by multiplying the number of acres planted on such farm to each type of tobacco by the rate per acre for diversion payments for such type of tobacco which would be determined for such farm if it had a soil-depleting base for such type of tobacco and multiplying this result by such person's percentage.

(h) If such farm is a nondiversion farm and if cotton is planted on such farm in 1937, the amount of deduction for such person shall be computed by multiplying the number of acres planted on such farm to cotton by the rate per acre for cotton diversion payments which would be determined for such farm if it had a cotton soil-depleting base and multiplying this result by such person's percentage.

40. The last paragraph of Section 10 of Part IV is amended to read as follows:

If a person is an owner, operator, or sharecropper with respect to more than one nondiversion farm in a county, upon which the 1937 general acreage is in excess of twenty acres, the deduction for such person for such excess on each such farm shall be computed for each farm as set forth under subsection (e) of this Section 10. If a person is an owner, operator, or sharecropper with respect to more than one nondiversion farm in a county in Area "A", upon which the 1937 corn acreage is in excess of twenty acres, the deduction for such person for such excess on each such farm shall be computed for each farm as set forth under subsection (f) of this Section 10. If a person is an owner, operator, or sharecropper with respect to more than one nondiversion farm in a county, upon which farm tobacco is planted in 1937, the deduction for such person for such acreage on each such farm shall be computed for each farm set forth under subsection (g) of this Section 10. If a person is an owner, operator, or sharecropper with respect to more than one nondiversion farm in a county, upon which farm cotton is planted in 1937, the deduction for such person for such acreage on such farm shall be computed for each farm as set forth under subsection (h) of this Section 10.

41. Subsection (c) of Section 11 of Part IV is amended to read as follows:

(c) Multiplying for each diversion farm in Area "A" with respect to which such person is an owner, operator, or sharecropper, the larger of (1), the corn limit for such farm, or (2), 15 acres, by the rate per acre for general diversion payments for such farm and multiplying the result by such person's percentage.

43. The last sentence of the second paragraph of Section 13 of Part IV is deleted and the following is substituted therefor:

A soil-building payment for any practice hereinafter set forth will not be made with respect to any acreage on the farm for which all or any portion of the labor, seed, or materials used for any practice is furnished free or paid for by any State or Federal agency, except that in the case of the soil-building practices designated under subsections (c), (g), and (p) hereof, payment will be made at the stipulated rates on an acreage or quantity, which bears the same proportion to the total acreage or quantity with respect to such practice as the quantity of materials used, or the value of the labor and materials furnished, by the owner, operator, or sharecropper bears to the total quantity of materials or the total value of labor and materials used in carrying out such practice. If trees are purchased from a Clark-McNary cooperative State nursery, such purchase shall not be deemed to be paid for in whole or in part by a State or Federal agency.

44. The third and fourth paragraphs of Section 13 of Part IV are amended to read as follows:

Where several soil-building practices are adopted on the same acreage on a farm which is not a dryland farm, payment will not be made for: (1), more than one of the practices listed in the same subsection in the case of subsections (c) to (k), inclusive, of this Section 13; and (2), more than one practice twice, or any two practices of the fourteen soil-building practices listed in subsections (a), (b), (x), (y), and (z) of this Section 13. Where several soil-building practices are adopted on the same acreage on a dryland farm, payment will not be made for: (1), more than one of the practices listed in subsections

(l), (m) and (n) of this Section 13; (2), more than two of the following: A practice listed in either subsection (l), (m), or (n) of this Section 13, a practice listed in either subsection (a) or (b) of this Section 13, and the increased rate of payment for dryland farms specified in the sixth paragraph of this Section 13.

Except as otherwise provided, the soil-building practices listed in subsections (a) to (k), inclusive, will be applicable to all farms; the soil-building practices listed in subsections (l) to (s), inclusive, will be applicable only to dryland farms; the soil-building practices listed in subsections (t) to (w), inclusive, will be applicable only to orchards, and the practices listed in subsections (x) to (z), inclusive, will be applicable only to cropland used for the growing of commercial vegetables.

45. Section 13 of Part IV is amended by changing the location of the subtitles preceding subsections (k), (s), and (w), respectively, to precede subsection (l), (t), and (x), respectively.

46. Item (1) of subsection (a) of Section 13 is amended to read as follows:

(1) Alfalfa, (seeded alone or in mixtures with the perennial grasses listed under subsection (b) hereof, provided, that such alfalfa is seeded at the full rate of seeding alfalfa alone)—$2.50 per acre.

46. Item (1) of subsection (a) of Section 13 is amended is amended to read as follows:

(1) Application of ground limestone or its equivalent—$1.25 per ton. (The ground limestone should not be coarser than that obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent with all finer particles obtained in the grinding process included, will pass through a ten-mesh sieve. It must contain calcium and magnesium carbonate equivalent to not less than 80 percent of calcium carbonate. The following quantities of other calcareous substances are equivalent to one ton of ground limestone in the following designated States: 1,400 lbs. of hydrated lime or 2 cubic yards of marl, in the entire North Central Region; 2 cubic yards of sugar beet refuse lime in Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin; 2 cubic yards of calcium carbide refuse lime in Indiana, Iowa, Michigan, and Wisconsin; 2 cubic yards of paper mill refuse lime in Michigan, Minnesota and Wisconsin; 2 cubic yards of water softening process refuse lime in Illinois and Iowa; 2 cubic yards of commercial wood ashes in Michigan and Wisconsin; ½ ton of commercial burnt lime and 4 cubic yards of calcareous clay in Wisconsin; one ton of burnt lime waste in Iowa and Wisconsin; 1 ton of agricultural limestone meal in Ohio; 2,700 lbs. of limestone screenings, or 1,400 lbs. of pulverized limestone in Ohio and Wisconsin; 3 tons of tailings from zinc mines in Wisconsin.)

47. Subsection (j) of Section 13 is amended to read as follows:

(j) *Restoration of Noncrop Plowable Pasture.*—Restoration by nongrazing until November 1, 1937, of noncrop plowable pasture—$2.00 per animal unit of the pasture grazing capacity of such noncrop plowable pasture, provided, (1) the county committee, after inspection, has approved and designated in writing the area on which such practice is to be carried out, (2) no hay or seed is harvested from such pasture land, (3) such pasture land is not tilled for any purpose other than to improve the stand of pasture grasses and legumes thereon, and (4) the maturing of noxious weed seeds on such pasture is prevented by the clipping of such pasture.

48. Section 13 of Part IV is amended by designating subsections (k), (l), (m), (n), (o), (p), (q), (r) as subsections (l), (m), (n), (o), (p), (q), (r), (s), respectively, and by adding the following new subsection as subsection (k):

(k) *Contour Strip Cropping.*—Growing in 1937 on slopes of three percent or more of small grain crops, sweet sorghums, Sudan grass, legumes, perennial grasses, or mixtures of any of these, all close drilled or broadcast, and intertilled crops in alternate strips, running on the contour—$1.00 per acre, provided, (1) the county committee after inspection has approved and designated in writing the area and manner in which such practice is carried out, (2) the strips shall be planted on the contour, (3) the deviation of the strips from the true contour shall not exceed at any point a percentage equal to three-fourths of the percentage slope of the land, but in any case the maximum deviation shall not exceed four percent, (4) no deviation of strips from the true contour shall be for a greater continuous distance than 60 feet, (5) the width of any strip on land with a slope of three percent shall not exceed 120 feet, and (6) the width of any strip on land with a slope of more than three percent shall not exceed 120 feet less 5 feet for each percent by which the slope is greater than three percent.

49. Subsection (1), (lettered (k) prior to amendment numbered 47) is amended to read as follows:

(1) *Protected Strip Fallow.*—$2.00 per acre in fallow, provided, (1) the first tillage operation is completed before May 15, 1937, if such farm is in Nebraska and the first tillage operation is completed before June 1, 1937, if such farm is in South Dakota, (2) tillage operations are carried out until August 1, 1937, in such a manner as will prevent weed growth, wind erosion, and water erosion, (3) the slope on the land to be fallowed is not in excess of eight percent, (4) the land on which the slope is in excess of three percent is listed on the contour, (5) the fallow is in alternate strips with small grain crops, sorghums, Sudan grass, or millet, all close drilled or broadcast, or sorghums in rows of approximately the same width, not less than 3 rods and not more than 20 rods in width, running at right angles to the prevailing winds or running on the contour, (6) the stubble is left on the strips devoted to crops in such a manner as will prevent wind erosion.

50. Subsection (m) (lettered (l) prior to amendment numbered 49) is amended to read as follows:

(m) *Protected Summer Fallow and Basin Listing.*—$2.00 per acre in fallow, provided, (1) basin listing is practical to preserve moisture and will prevent water erosion, (2) the first tillage operation is completed before May 15, 1937, if such farm is in Nebraska, and the first tillage operation is completed before June 1, 1937, if such farm is in South Dakota, (3) tillage operations are carried out until August 1, 1937, in such a manner as will prevent weed growth, wind erosion, and water erosion, (4) the slope on the land to be fallowed and basin listed is not in excess of eight percent, (5) land on which the slope is in excess of three percent is listed on the contour, (6) adjoining furrows, not less than 8 inches in width and not less than 4 inches in depth are constructed, maintained, and dammed at intervals of not more than twenty feet, (7) the land is seeded in the fall to a cover crop or lister ridges are left over the winter to prevent wind erosion.

51. Subsection (n) (lettered (m) prior to amendment numbered 47) is amended to read as follows:

(n) *Protected Summer Fallow.*—$1.50 per acre in fallow, provided, (1) block fallow is practical on the land fallowed, (2) the first tillage operation is completed before May 15, 1937, if such farm is in Nebraska, and the first tillage operation is completed before June 1, 1937, if such farm is in South Dakota, (3) tillage operations are carried out until August 1, 1937, in such a manner as will prevent weed growth, wind erosion, and water erosion, (4) the slope on the land to be fallowed is not in excess of eight percent, (5) the land on which the slope is in excess of three percent is listed on the contour, (6) the land is seeded in the fall to a cover crop, or lister ridges are left over the winter to prevent wind erosion.

52. Subsection (r) (lettered (q) prior to amendment numbered 47) is amended to read as follows:

(r) *Contour Furrows on Permanent Pasture Land.*—Construction of contour furrows on permanent farm pasture land with slopes not in excess of eight percent, except permanent farm pasture land that is sufficiently sandy and porous to absorb normal precipitation—$0.50 per acre for the area contour furrowed, provided, (1) the contour furrows are constructed on the contour level not less than 8 inches in width and four inches in depth, (2) the contour furrows are dammed at intervals of not more than 100 feet, (3) the width of the furrows on any land with a slope of three percent or less shall not exceed 25 feet, (4) the width between the furrows on any land with a slope of more than three percent shall not exceed 25 feet less three feet for each percent by which the slope is greater than three percent.

53. Section 13 of Part IV is amended by deleting subsections (s), (t), (w), (x), (y), (z) and adding the following new sections:

(t) Winter Cover Crops:

1. Incorporation into the soil by plowing or discing between March 1, 1937, and June 30, 1937, inclusive, of a good vegetative growth of any of the following crops: wheat, rye, oats, barley, buckwheat, Sudan grass, millet, annual legumes, or mixtures of any of these seeded in the late summer or fall of 1936—$1.00 per acre, provided, such crop has attained at least 60 days' growth and is not pastured or harvested for grain or hay.

2. Seeding after May 1, 1937, of any of the crops listed under item (1) of this subsection (t), except soybeans and cowpeas—$1.00 per acre, provided (1) a good vegetative growth of any of such crops is on the land on the date as of which final inspection of the farm is made for the purpose of determining performance, and (2) such crop is not pastured or otherwise taken from the land.

(w) *Sanding Cranberry Bogs.*—Application of not less than the following quantities of sand, free from stones and loam, on fruiting cranberry bogs to prevent soil deterioration and decline in productive capacity of the land:

1. One-half inch of sand, evenly distributed—$7.50 per acre.
2. Three-fourths inch of sand, evenly distributed—$11.25 per acre.
3. One inch of sand, evenly distributed—$15.00 per acre.

(x) *Nonleguminous Green Manure Crop on Vegetable Land.*—

1. Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of rye, oats, barley, buckwheat, annual grasses, mixtures of these, or corn sown broadcast, grown on land used for production of vegetable crops in 1935 and 1936—$1.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, and (2) a good vegetative growth of such crop is incorporated into the soil.

2. Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of rye, oats, barley, buckwheat, annual grasses, mixtures of these, or corn sown broadcast, grown on land used for the production of vegetable crops in 1935 and 1936—$2.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, (2) a good vegetative growth of such crop was incorporated into the soil, and (3) at least one less soil-depleting crop is grown on such land in 1937 than the 1935–1936 annual average number of soil-depleting crops grown on such land.

(y) *Leguminous Green Manure Crop on Vegetable Land.*—

1. Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of a legume, or mixture of legumes grown on land used for the production of vegetable crops in 1935 and 1936—$2.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, and (2) a good vegetative growth of such crop is incorporated into the soil.

2. Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of a legume, or mixture of legumes grown on land used for the production of vegetable crops in 1935 and 1936—$4.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, (2) a good vegetative growth of such crop was incorporated into the soil, and (3) at least one less soil-depleting crop is grown on such land in 1937 than the 1935–1936 annual average number of soil-depleting crops grown on such land.

(z) *Seeding of Rye on Vegetable Land on a Nondiversion Farm.*—Seeding after May 1, 1937, of rye on a nondiversion farm on land used for the production of vegetable crops in 1935 and 1936—$1.00 per acre, provided, (1) a good vegetative growth of such crop is on the land on the date as of which final inspection of the farm is made for the purpose of determining performance, and (2) such crop is not pastured or otherwise taken from the land.

54. The third sentence of Section 16 of Part IV is deleted and the following is substituted therefor:

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment shall not be made for any soil-building practice carried out on such farm unless, (1) the cooperating agency has approved in writing on Form ACP–35 the carrying out of any such practice on such farm, (2) the cooperating agency has not furnished any labor, seed, or materials for the carrying out of such practice, provided, if labor, seed, or materials are furnished by the Soil Conservation Service or the Resettlement Administration for a practice specified in either subsection (c), (g), or (p) of Section 13 of this Part IV, and such cooperating agency has approved in writing the carrying out of such practice, payment will be made to the extent specified in the third paragraph of Section 13 of Part IV.

54a. Subsection (s) (lettered (r) prior to amendment numbered 47) is amended to read as follows:—

(s) *Restoration to Native Grass of Noncropland.*—Restoration to native grass of noncropland plowed at least once between January 1, 1930, and December 31, 1936, inclusive, which in accordance with good farming practices should be permanently devoted to grass—$0.25 per acre, provided, (1) both the operator and owner have designated the acreage and have stated in writing their intention to let such acreage revert to grass, (2) written approval has been obtained from the county committee, and (3) such land is not pastured or tilled in 1937 and no crop is harvested therefrom.

Part V—Miscellaneous Provisions

55. The first sentence of Section 1 of Part V is amended to read as follows:

A farm shall include all irrigated or nonirrigated land in a county under the same ownership which is farmed by the same operator as all or part of one farming unit.

56. Subsection (f) of Section 1 of Part V is amended to read as follows:

(f) If the major portion of the cropland operated as all or part of one farming unit by an operator is rented on shares from a landlord and the remaining portion of the land rented from such landlord and operated by such operator is rented for cash, such share-rented and cash-rented land shall be regarded as one farm.

57. Subsection (g) of Section 1 of Part V is deleted.

58. The first sentence of Section 3 of Part V is amended to read as follows:

An owner is a person who owns farm land constituting all or part of a farming unit which is not entirely rented to another for cash or for a fixed commodity payment or who rents farm land constituting all or part of a farming unit from another for cash or for a fixed commodity payment or who is purchasing land constituting all or part of a farming unit for cash or for a fixed commodity payment.

59. The fourth paragraph of Section 5 of Part V is amended by the addition at the end thereof of the following:

In determining the ownership of a farm where an offer to purchase, option, or similar instrument has been executed with respect to such farm, the person executing the offer to purchase or holding the option shall not be deemed to be the owner of such farm unless on or before June 30, 1937, the sale is completed by payment of the stipulated down payment by the vendor and delivery of the deed or land contract by the vendee.

60. The fifth paragraph of Section 5 of Part V is amended to read as follows:

A person who has no interest or right in the farming operations on a farm in 1937 except to harvest a crop or crops which he planted in the fall of 1936 shall not be regarded as the operator of such farm and the person who operates the farm other than for the purpose of harvesting a crop therefrom which was planted by another person in the fall of 1936 and who operates the remainder of the farming unit of which such farm is a part shall be regarded as the operator of such farm. A person who has the right in 1937 to harvest a crop or crops on a farm which he planted in the fall of 1936 as well as the right to the possession of such land until such crop is harvested shall be deemed the operator of such farm.

Part VI—Range Lands

61. Subsection (b) of Section 5 of Part VI is amended to read as follows:

(b) *Contouring.*—Construction of contour furrows on range land with slopes not in excess of eight percent and not sufficiently sandy and porous to absorb normal precipitation—$0.50 per acre for the area contour furrowed, provided, (1) the contour furrows are constructed on the contour level, not less than 8 inches in width and 4 inches in depth and are dammed at intervals of not more than 100 feet, (2) the width between the furrows on any land with a slope of three percent or less shall not exceed 25 feet, less three feet for each percent by which the slope is greater than three percent.

62. Part VI is amended by the addition of the following new sections:

SECTION 7. *Ranch or Ranching Unit Located in More Than One County.*—If a ranch is located in two or more adjacent counties, such ranch shall be regarded as located in the county in which the base of operations of such ranch is located. If a ranching unit is located in two or more adjacent counties, such ranching unit shall be regarded as located in the county in which the base of operations of such ranching unit is located.

SECTION 8. *Association Expenses.*—In determining the amount of payments under the 1937 Agricultural Conservation Program, there shall be deducted from any payment computed for any person with respect to any ranch or ranches in a county, all of such person's pro-rata share, or such part thereof as may be determined by the Secretary, of the estimated total administrative expenses incurred and to be incurred by the Association of such county in cooperating in carrying out the Soil Conservation and Domestic Allotment Act. Such pro-rata share shall be determined by multiplying the total payments computed for such person with respect to any ranch or ranches in such county by the percentage that the estimated total of administrative expenses of the Association for such county as approved by the North Central Division for 1937 is of the total payments estimated by the North Central Division which will be made with respect to farms in such county in 1937. As provided in the Articles of Association, as amended, any person who previously has not become a member of the Association of the county in which his ranch or ranches are located shall become a member thereof by his signing an application for payment with respect to such ranch or ranches.

63. The definition of "Range Land" is amended to read as follows:

Range land means any land containing more than 640 acres operated by persons in Nebraska and South Dakota other than that owned or controlled by the United States Government, or any agency thereof, which produces forage without cultivation or general irrigation, ten acres or more of which on the average are required to sustain one animal unit for a period of twelve months.

64. The first sentence of Section 17 of Part V is deleted and the following is substituted therefor:

No person shall be entitled to receive or retain any part of any payment if such person has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1937 Program, or if such person has offset, or through any scheme or device whatsoever, such as but not limited to operating by or through or participating in the operation of a firm, partnership, association, corporation, estate, or trust, has participated in offsetting, or has benefited or is in position to benefit by such offsetting, in whole or in part, the performance rendered in respect of which such payment would otherwise be made. Payments will not be made for changes in the use of any acreage which involve the destruction of foods, fibre, or feed grains.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 22nd day of June, 1937.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-1891; Filed, June 23, 1937; 12:40 p. m.]

WR—B-101—Weber and Davis Counties, Utah, Supplement 1
Issued June 22, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—WEBER AND DAVIS COUNTIES, UTAH, SUPPLEMENT 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Weber and Davis Counties, Utah,[1] is amended by this supplement as follows:

The definition of "Range land" in part I is amended to read as follows:

Range land means any land other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof which produces forage for range livestock without cultivation or general irrigation ten acres or more of which, on the average for the ranching unit, are required to graze one animal unit.

Part IV, Section 1, first paragraph, is amended to read as follows:

SECTION 1. *Range-Building Practices and Rates.*—Payment will be made for carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution, provided that the range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit.

Part IV, Section 1, Practice F, is amended to read as follows:

F. *Range Fences.*—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all posts, poles, rails, and jacks to be good and sound: $0.30 per rod.

Part IV, Section 1, is amended by adding the following range-building practice at the end thereof:

K. Mountain Meadow Land Practices Applicable Only if an Acreage Allowance for Mountain Meadow Land is Established under Section 2 of this Part IV.

1. Reseeding Mountain Meadow Land.
For reseeding depleted mountain meadow land with good seed of adapted varieties of the following perennial grasses, and legumes or mixtures thereof, brome grass, red top, timothy, alsike clover, meadow fescue, medium red clover, and such other perennial grasses and legumes, except alfalfa, or mixtures thereof as are recommended by the State Committee and approved by the Director of the Western Division: $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

2. Earthen Dams for Erosion Control on Mountain Meadows.
For constructing, according to specifications recommended by the State Committee and approved by the Director of the Western Division, earthen dams for the exclusive purpose of diverting flood water of intermittent streams to prevent soil erosion on mountain meadow land: $0.15 per cubic yard of fill, not in excess of $50.00 for each dam.

Part IV, Section 2, is amended to read as follows:

SECTION 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to $1.50 times the grazing capacity thereof. However, if the Director of the Western Division determines, upon the basis of the recommendations of the county and State committees, that the mountain meadow land practices specified in Part IV, Section 1, Practice K are necessary and effective in promoting land conservation in either Weber or Davis County, or both, the range-building allowance shall be equal to $1.50 times the grazing capacity thereof, plus 40 cents times the number of acres of mountain land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. In determining the grazing capacity of any ranching unit with respect to which an acreage allowance for mountain meadow land may be made, the grazing capacity of such acreage of mountain meadow land shall not be considered.

Part VI, Section 8, Subsection B, is amended to read as follows:

B. An application for payment may be made by an owner, share-tenant, share-cropper, ranch-operator, or such other person as may be designated by the Secretary. In the event of the death, disappearance or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death, disappearance or legal incompetency and which would otherwise be made to such applicant shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

Part VIII, Section 1, is amended to read as follows:

SECTION 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as provided in Section 2 of this Part VIII with respect to nurse crops, and cover and green manure crops, and as provided in Section 3 of this Part VIII with respect to soil-conserving crops following summer fallow:

a. Corn (field, sweet, and popcorn).
b. Potatoes.
c. Sugar Beets for sugar or seed.
d. Cultivated sunflowers.
e. Annual truck, canning, and vegetable crops, and their seeds.
f. Melons.
g. Sorghums, including grain sorghums, sweet sorghums, and Sudan grass for seed, grain, hay, or pasture.
h. Sweet sorghums for syrup.
i. Small grains, including flax.
j. Millets.
k. Soybeans, field beans, cowpeas, field peas, and seed peas, for grain, hay, pasture or canning purposes.
l. Root crops grown for feed or seed.
m. Fiber plants.
n. Annual cut flowers and their seeds.
o. Rape.
p. Cultivated fallow (summer fallow) including approved summer fallow.

Part VIII, Section 2, first paragraph, is amended to read as follows:

SEC. 2. *Soil-Conserving Crops.*—Cropland devoted to any of the following uses or crops in 1937 shall be regarded as used for the production of a soil-conserving crop; except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII), shall be regarded as having been used for the production of a soil-depleting crop for such year, and except as provided in Section 3 of this Part VIII with respect to soil-conserving crops following summer fallow.

Part VIII, Section 2, Subsection b, is amended to read as follows:

b. Cover and green manure crops consisting of annual, biennial and perennial legumes; rye, barley, oats, and grain mixtures; vetches; and such other crops as may be approved by the Director of the Western Division; when turned under in 1937, after attaining at least two months' growth; except when followed by summer fallow on non-irrigated cropland.

Part X is added to read as follows:

PART X—COUNTY AVERAGE RATES

SECTION 1. *County Average Rates for Computing Diversion Payments and Soil-Building Allowances.*—The county average rates per acre for computing diversion payments and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the

[1] 2 F. R. 859.

cropland on the farm varies from the average productivity of all such cropland in the United States shall be as follows:

County	Average Rate per Acre for Diversion From Soil Depleting Base [1]	Average Soil-Building Allowance Rate per Acre on Acreage Diverted for Payment [2]	Average Soil-Building Allowance Rate per Acre on all Cropland on Non-Diversion Farms and Commercial Orchard Land on Diversion Farms [3]
Davis	$10.60	$7.05	$1.41
Weber	9.70	6.45	1.29

[1] Pursuant to Section 1, Part II of WR Bulletin No. 101—Weber and Davis Counties, Utah.
[2] Pursuant to Subsection A-2, Section 2, Part III of WR Bulletin No. 101—Weber and Davis Counties, Utah.
[3] Pursuant to Subsection A-3 and B-1 of Section 2, Part III of WR Bulletin No. 101—Weber and Davis Counties, Utah.

SECTION 2. *Rates as Applied to Individual Farms.*—For any individual farm the rate of payment for diversion from the soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100, except that for any farm on which normal summer fallow acreage represents a part of the soil-depleting base established for such farm, a downward adjustment must be made in the farm rates, so determined, in proportion to the amount of acreage normally devoted to summer fallow which has been included in the soil-depleting base established for the farm.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration.

Part XI is added to read as follows:

PART XI—MULTIPLE FARM HOLDINGS

SECTION 1. *Determination of Class I Payment for Diversion.*—The amount of class I payment to be made to any person for diversion from the soil-depleting base shall be determined on the basis of the performance on all diversion farms owned or operated by such person in the county as follows:

A. Compute for each such farm the applicant's share [1] of class I payment with respect to the decrease from the soil-depleting base and total the amounts thus obtained;

B. Compute for each such farm the applicant's share of deduction with respect to the 1937 acreage of all soil-depleting crops in excess of the soil-depleting base, and total the amounts thus obtained;

C. Compute for each such farm the applicant's share of the maximum possible class I payment for diversion from the soil-depleting bases respectively and total the amounts thus obtained;

D. Subtract the total obtained under subsection B from the total obtained under subsection A. The result, not in excess of the amount obtained under subsection C shall, subject to other applicable provisions of this part XI, be the class I payment to the applicant for diversion from the soil-depleting base; *Provided, however,* that, if the total obtained under subsection B is larger than the total obtained under subsection A, the difference shall be deducted from any payment other than a range-building payment which otherwise would be made to the applicant.

SECTION 2. *Non-diversion Farms.*—A. The foregoing provisions of section 1 of this part XI are not applicable to non-diversion farms, *Provided, however,* that any non-diversion farm upon which there has been an increase in the 1937 acreage of soil-depleting crops in excess of the soil-depleting base or 20 acres, whichever is the larger, shall be considered a diversion farm.

SECTION 3. *Determination of Class II Payments.*—The amount of class II payments to be made to any person for carrying out approved soil-building practices shall be computed on all diversion and non-diversion farms owned or operated by such person in the county as follows:

A. For each farm multiply the number of acres devoted to an approved soil-building practice by the rate specified for such practice; multiply this result by the percentage to which the applicant is entitled, and total the amounts thus obtained.

B. Compute the applicant's share of the soil-building allowance as follows:

1. Multiply the class I payment to the applicant for diversion from the soil-depleting base, determined in accordance with the provisions of Section 1, Subsection D, of this Part XI, by 66.7 percent;

2. On each farm individually, determine the applicant's share of the soil-building allowance (without regard to the minimum soil-building allowance) computed in accordance with the provisions of Part III, Section 2, except that, item 2 in subsection A of said part and section shall not be used in such computation:

3. To the amount obtained under item 1, above add the amount obtained under item 2, above, and the result shall be the soil-building allowance for all farms owned or operated by the applicant in the county.

C. The amount obtained under Subsection A of this Section 3, not in excess of the soil-building allowance obtained under Subsection B of this Section 3 shall, subject to the applicable provisions of this Part XI, be the amount of the class II payment to the applicant.

SECTION 4. *Adjustment of Payments.*—In the event that any person who makes application for payment with respect to any diversion farm has an interest as owner or operator in another farm or farms in the same State upon which the aggregate 1937 acreage of soil-depleting crops exceeds the soil-depleting base acreage for such farm or farms, the applicant's share of any payment may, in the discretion of the Secretary, be adjusted to offset such increase in soil-depleting acreage.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 22nd day of June 1937.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-1892; Filed, June 23, 1937; 12:41 p. m.]

[1] The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of part V governing the applicant's share of payment.

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHAWVER-ERKER FARM, FILED ON MAY 4, 1937, BY J. M. MORRIS, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest.

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding [1] be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1888; Filed, June 23, 1937; 12:32 p. m.]

[1] 2 F. R. 981.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE USCAN-PHILLIPS-BEMIS TRACT FILED ON JUNE 1, 1937, BY R. L. WILLIAMS, RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest.

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding [1] be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1886; Filed June 23, 1937; 12:32 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commision held at its office in the City of Washington, D. C., on the 22nd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-W. M. JOHNSON TRACT, FILED ON FEBRUARY 17, 1937, BY W. M. JOHNSON, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 2:00 o'clock in the afternoon on the 22nd day of June, 1937,[2] at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 7th day of July, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1890; Filed, June 23, 1937; 12:33 p. m.]

[1] 2 F. R. 1184.
[2] 2 F. R. 472.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS "L" COMMUNITY TRACT, FILED ON JUNE 5, 1937, BY INDUSTRIAL INVESTMENT CORP., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commisison on June 17, 1937, be effective as of June 17, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding [1] be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1889; Filed, June 23, 1937; 12:33 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-STILES COMMUNITY FARM, FILED ON MAY 21, 1937, BY STANDARD DEALERS COMPANY, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on June 16, 1937, be effective as of June 16, 1937;

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding [2] be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1887; Filed, June 23, 1937; 12:32 p. m.]

[1] 2 F. R. 1205.
[2] 2 F. R. 1116.